

GENERAL INFORMATION

Subject

- | | | |
|-------------------|---|--|
| Request | - | Special Use Permit for scrap & salvage facility |
| Location | - | 5439 Lewis Avenue |
| Applicant & Owner | - | Mo Dari
G1 Operations, LLC
5439 Lewis Avenue
Toledo, OH 43612 |
| Engineer | - | Matthew Lewandowski
219 S Erie Street
Toledo, OH 43604 |

Site Description

- | | | |
|--------------|---|--------------------------|
| Zoning | - | IL / Limited Industrial |
| Area | - | ±10.8 acres |
| Frontage | - | ±144' along Lewis Avenue |
| Existing Use | - | Scrap & Salvage Facility |
| Proposed Use | - | Scrap & Salvage Facility |

Area Description

- | | | |
|-------|---|--|
| North | - | Apartments, Shantee Creek / IL |
| South | - | Auto repair, mobile home park, day care center / CR & IL |
| East | - | Duplexes & single-family homes, warehouse / RS6 & IL |
| West | - | Railroad, manufacturing and assembly / IG |

Parcel History

- | | | |
|----------|---|--|
| PL-3-98 | - | Parking lot at 5407 Lewis Avenue for Al Smith restaurant. Administratively approved 2/4/1999. |
| SPR-6-11 | - | Minor Site Plan Review of vehicle storage area improvements at 5439 Lewis Avenue. Administratively approved 5/22/2011. |

GENERAL INFORMATION (cont'd)

Z-9001-22	-	Zone Change from IL-Limited Industrial to IG-General Industrial at 5439 Lewis Avenue. Plan Commission recommended disapproval 12/01/2022. Zoning and Planning Committee HIC 1/04/2023.
SUP-9002-22	-	Special Use Permit for scrap and salvage at 5439 Lewis Avenue. Plan Commission recommended disapproval 12/01/2022. Zoning and Planning Committee HIC 1/04/2023.
Z-2005-24	-	Zone Change from IL-Limited Industrial to IG-General Industrial at 5439 Lewis Avenue (<i>Companion Case</i>).

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a scrap & salvage facility located at 5439 Lewis Avenue. The intent is to purchase used vehicles, process them within the building onsite, and sell the parts via the applicant's website. The site is ± 10.8 acres, zoned IL-Limited Industrial, and was previously occupied by light industrial uses including semi-truck parking and storage. Surrounding land uses include apartments and Shantee Creek to the north; duplexes, single-family homes, and a warehouse to the east; mobile homes, heavy auto repair, and a day care center to the south; and a railroad and manufacturing and assembly the west.

In May of 2022, the applicant applied for a Certificate of Zoning Compliance for storage, reuse, grounds, and scrap & salvage (see Exhibit A). Approval was granted for a landscape business and auto storage, but scrap & salvage was not approved. Scrap & salvage operations are only permitted in IG-General Industrial Zoning, and also require a Special Use Permit. Companion case Z-2005-24 was submitted with the Special Use Permit application for a Zone Change of the site from IL-Limited Industrial to IG-General Industrial. Due to surrounding residential and commercial uses, staff recommends disapproval of the proposed Zone Change.

Parking and Circulation

The applicant is proposing to pave the drive aisle and parking area with asphalt, and will seek a variance of TMC§1107.1900 from apply the Board of Zoning Appeals to allow gravel to remain on the rest of the site.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Scrap & salvage use requires one (1) parking space per acre. There is a bus stop in front of the site, which as per TMC§1107.0407(E), reduces the required number of parking spaces by 20%. With this reduction, the 10.8-acre site requires eight (8) spaces. The site plan depicts a total of eleven (11) parking spaces, including one (1) van-accessible space with an eight-foot (8') aisle.

Bicycle parking is also required pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per each ten (10) parking spaces. As per TMC§1107.0901(B), the minimum number of slots provided shall be two (2). A bicycle rack with two (2) slots is provided on the site plan. The proposed parking plan is acceptable as depicted.

Landscaping

The southern ±120 feet of the site contains an Edison easement with two electrical towers. The site plan depicts this area as a "greenbelt buffer," though no additional landscaping can be added within this space per the easement. If the site plan is approved, the easement shall remain free of all storage related to the scrap & salvage operation.

Per TMC§1108.0202 – *Frontage Greenbelts*, sites over five (5) acres are required to provide a thirty-foot (30') frontage greenbelt and contain at least one (1) tree for every thirty feet (30') of frontage. The property has two (2) frontages on Lewis Avenue for a total of 144'. The northern leg has twenty-five feet (25') of frontage on Lewis Avenue, all of which is driveway. The southern leg is comprised of the Edison easement, as mentioned, and cannot be planted with additional landscaping. The site is unable to meet the requirements of TMC§1108.0202, therefore the applicant shall request a waiver for this requirement.

Per TMC§1108.0203, buffer and screening requirements are intended to reduce the effects of incompatible land uses by minimizing the harmful impacts of noise, dust and debris, headlight glare, and other objectionable activities by an adjoining or nearby use. Though the surrounding properties are predominately zoned IL-Limited Industrial, the land uses on these properties are residential in nature. There are legal nonconforming duplexes, mobile homes, and apartment buildings abutting or near the site on the northern, southern, and eastern sides of the property. Due to these residential uses and the intensity of scrap & salvage operations, efforts should be made to prevent any negative secondary effects.

A Type A Landscape Buffer is required along the northern, southern, and eastern edges of the property where abutting residential uses. This buffer must be ten feet (10') wide and contain four (4) trees and fifteen (15) shrubs with fencing per 100 linear feet. Alternatively, the buffer can exclude fencing if it is twenty-five feet (25') wide with four (4) trees and twenty (20) shrubs

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

per 100 linear feet. Due to the Edison easement and narrow driveway, this requirement can only be implemented along the northern edge of the site. The site plan depicts a forty-foot (40') wide Type A Buffer with 25 trees and 131 shrubs along the northern edge of the site, which is acceptable as depicted. The applicant will request a waiver of the Type A Buffer along the southern and eastern edges of the site.

In addition, a Type B Buffer is required where Industrial Zoning Districts abut Commercial Zoning Districts. This requirement pertains to the southeast of the site where it abuts a CR-Regional Commercial zoning district. A Type B buffer should be comprised of four (4) trees and fifteen (15) shrubs per 100 linear feet. The applicant will request a waiver for this requirement as well, due to the limitations of planting within the Edison easement.

In lieu of the required buffers, the applicant is requesting that the Plan Commission allow the Edison easement to act as a natural buffer between adjacent residential and commercial uses. In addition, the applicant has proposed a fence along the northern edge of the easement to add additional screening for the site. The Planning Director has indicated this would be an acceptable compromise if the Special Use Permit is approved. Fencing materials shall be opaque (either wood or vinyl in an earth tone) and will be subject to final approval from the Planning Director. Additionally, the fence was originally depicted as ending at the western edge of the adjacent parcel with the auto repair shop (#2204181); however, staff requested that this fence be extended along the southern edge of the entire length of the driveway where the subject parcel abuts legal nonconforming duplexes. This fencing will provide screening of the subject site for the mobile home park to the south, the duplexes to the east, as well as the Day Care Center that abuts the site to the southeast. The fence extension is shown on the applicant's revised plan and is acceptable as depicted.

Per TMC§1108.0203(H), outdoor storage screening is required in all Industrial Districts. This code section allows shadow box, chain link with slats, or stockade. The proposed fence will satisfy this requirement along the south and eastern portion of the site; however, the existing chain link fence along the northern edge of the site requires the addition of earth tone slats to screen the properties to the north. This detail shall be included on a revised landscape plan. No buffer or screening is required between the site and the adjacent IG-General Industrial parcel to the west.

Parking lot landscaping is not required for IG-General Industrial zoning districts unless abutting residential uses. Given the site is surrounded by residential uses, both interior and exterior parking lot landscaping is required. Per TMC§1108.0204(B)(1), twenty (20) square feet of interior landscaping is required per parking space. With eleven (11) parking spaces, the site is required to have 220 square feet of interior landscaping, comprised of two (2) canopy trees and six (6) shrubs (TMC§1108.0204(C)(1)). This landscaping shall be shown on a revised plan.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Perimeter landscaping comprised of one (1) canopy tree per each thirty (30) linear feet, as well as a continuous shrub row, is also required along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property. This requirement pertains to the eastern edge of the site where there are abutting nonconforming duplexes; however, the narrow driveway prevents any additional landscaping in this area of the site. The applicant shall request a waiver of the five (5) required trees along the ±134' length abutting the duplexes.

Per TMC§1108.0205, interior site landscaping is required in IG-General Industrial districts when they abut a residential use. One (1) 2-inch caliper tree is required for every 2,000 square feet of building coverage, which computes to the need for (4) trees for this site given the building's footprint (±7,344 square feet). Additionally, landscaping is required at all major building entrances. Four (4) trees, as well as plantings along the building's main entrance, shall be shown in a revised landscape plan.

Building Design and Materials

No changes to existing buildings or new construction are proposed.

Neighborhood Meeting

On April 29th, 2024, the applicant hosted a neighborhood meeting at the West Toledo Branch Library. Eighteen (18) residents were in attendance, as well as Councilmember Morris. Attendees shared concerns about noise pollution, seepage of hazardous materials into nearby properties and Shantee Creek, exposure to dust and toxins, increased traffic, and wildlife nuisance issues. Residents voiced their belief that the site is already being mismanaged, and that intensifying the industrial zoning will only lead to exacerbation of existing issues.

The applicant and his design consultant addressed these concerns stating that all processing of the used vehicles will occur within the building onsite, and that vehicles will be drained of hazardous materials by an environmental firm before reaching the property. They said scrap-ready vehicles would be moved offsite within a day to two weeks. Since the meeting, the applicant has taken steps to address the wildlife nuisance issues, and the revised site plan depicts a paved drive aisle and parking area, as well as water quality measures and additional buffering for surrounding properties.

On a site visit after the neighborhood meeting, staff witnessed several towaway vehicles being stored on the property, which requires a Special Use Permit that the applicant does not have, making this an illegal use associated with the site.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Light Industrial land uses. This district is intended to accommodate uses such as research, wholesale activities, warehouses and industrial/manufacturing operations that are not employment-intensive and are compatible with commercial and residential land uses. Given surrounding residential and commercial uses, staff considers the proposed use too intense and not compatible with neighboring properties.

Staff recommends disapproval of the Special Use Permit for a scrap & salvage facility at 5439 Lewis Avenue because the request is not consistent with the Comprehensive Plan or the stated purpose of the Zoning Code, which is to protect the health, safety, and general welfare of the citizens of Toledo. Review agencies conditions are attached as EXHIBIT "B" for informational purposes.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-2006-24, a Special Use Permit for scrap & salvage operation at 5439 Lewis Avenue, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use does not meet the stated purpose of the Zoning Code (TMC§1111.0706(A)) and,
2. The proposed use is not compatible with adjacent uses in terms of scale, site design, and operative characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C)).
3. There is an illegal use associated with the site.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-2006-24
DATE: August 8, 2024
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: September 10, 2024
TIME: 4:00 P.M.

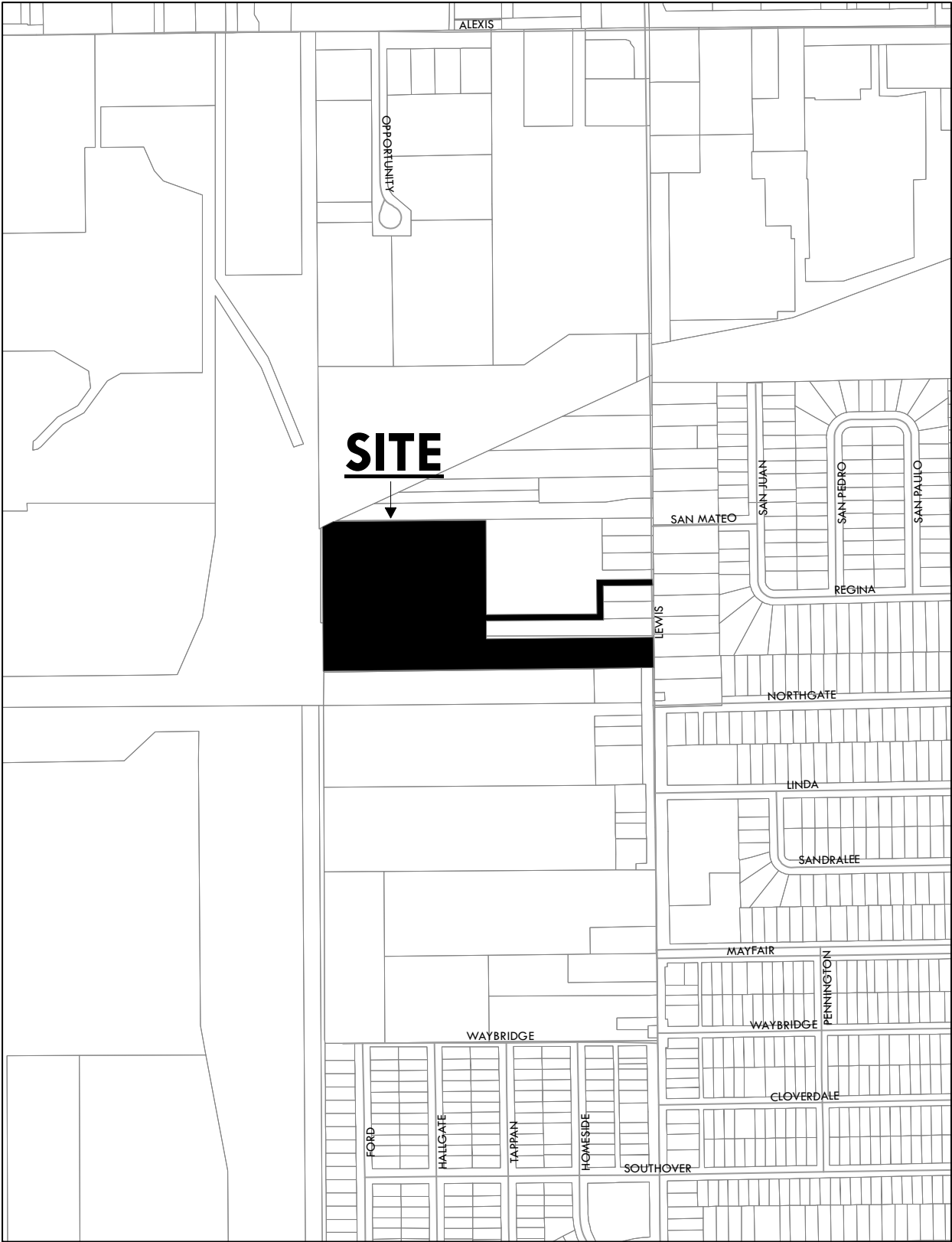
REF: SUP-2006-24...August 8, 2024

MJM

Three (3) sketches follow
Exhibits "A" and "B" follow

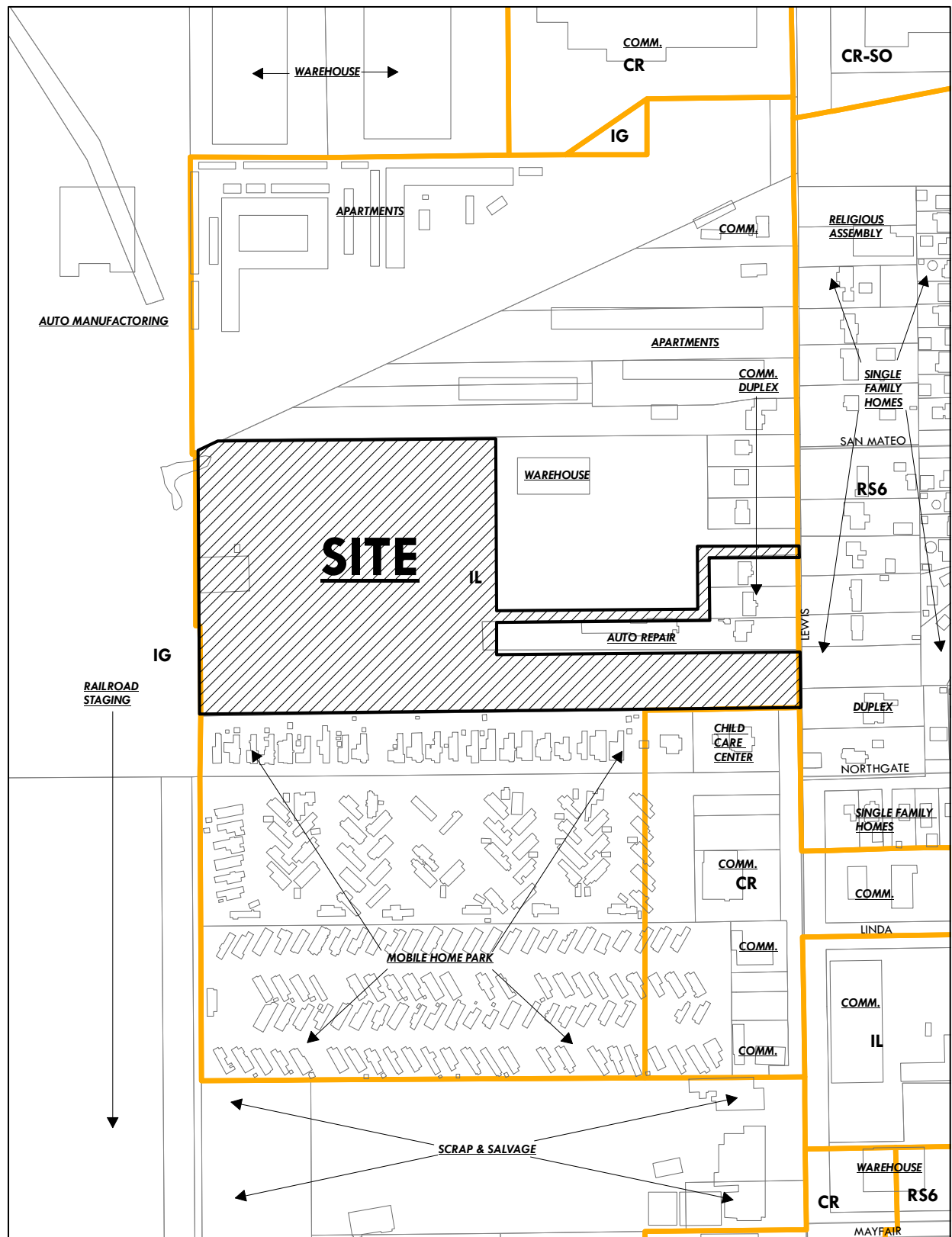
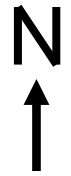
GENERAL LOCATION

Z-2005-24
ID 57



ZONING AND LAND USE

SUP-2006-24
ID 57



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MAY 20 2022

Rev. 07-08-2019



CITY OF TOLEDO

Division of Building Inspection

BC222-00282

Certificate of Zoning Compliance

One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1329 • www.toledo.oh.gov

This certificate is issued to ensure that the building or land will be used only for the purpose indicated in this application, and in compliance with the Zoning Ordinances of the City of Toledo (TMC 11). This certificate is required to determine the zoning compliance of any new structure or addition regulated by the Ohio Building Code or the Residential Code of Ohio; of any fence, regardless of height; of any above-ground or in-ground swimming pool greater than 24" in depth; of any residential or commercial accessory structure; or of any ramp or deck.

Application - Please print and complete only the information relating to your project.

Application Date <u>5/18/2022</u>	Log No.	Building Permit No.	Fee Amt. \$50.00	Is Applicant <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contractor
Property's Tax Parcel No. <u>2204184/2204197</u>	Zoning District <u>IL</u>	Map No.	Applicant's Name <u>MO DART</u>	
Property's Street Address, City, State, Zip <u>5439 LEWIS AVE Toledo OH 43612</u>	Applicant's Street Mailing Address <u>5439 LEWIS AVE</u>			
Legal Description <u>See Attached Summary</u>	Applicant's City, State, Zip <u>TOLEDO, OH 43612</u>			
Current Use <u>storage / Reuse / Grounds</u> (i.e., office, factory, restaurant, 1-dwelling home, apartments, etc.)	Applicant's Phone No. <u>(419) 467-9900</u>		Applicant's Fax No. <u>()</u>	
To be occupied as <u>Storage / Reuse / 6 Rooms / Scrap / Salvage</u> (i.e., office, factory, restaurant, 1-dwelling home, apartments, etc.)	Applicant's E-Mail Address <u>MODART411@GMAIL.COM</u>			

A site plan is required with the following information.

- ☐ New structure, addition, accessory structure, ramp, deck (Describe)
- ☐ Fence (Describe height and location in relation to house)
- ☐ Above-ground / in-ground pool, greater than 24" deep (Describe)
- ☐ Concrete driveway (width and length)

The Division of Building Inspection will review this application for its compliance with the City's zoning regulations and makes no representation as to encroachments of easements or violations of deed restrictions. The owner/applicant assumes responsibility for structures and/or improvements made on the property not in compliance with recorded easements and/or deed restrictions.

I hereby certify that the information provided is true and correct and that the building or land will be used only for the purpose stated in this application, and in compliance with the zoning ordinances of Toledo.

Applicant's Signature [Signature] Date 5/18/2022

Make checks payable to **City of Toledo**. Mail application and fee to Department of Inspection. One Government Center, Suite 1600. Toledo, OH 43604

To be completed by City's Staff

	Yes	No	Overlay District <u>39095C0079F</u>	Certificate of Appropriateness <u>Y</u>
In compliance with: Required front, rear & side set backs	___	___	FEMA Map No.	SFHA Development Permit
Distance to existing structures	___	___	Board of Zoning Appeals (BZA case)	Major/Minor Site Plan attached
Building-to-site coverage requirements	___	___	Special Use permit (SUP Ord.)	Permanent Encroachment Ord.

Comments or Conditions of (approval) (disapproval) Approved for landscape business & auto storage (rear portion of site only); scrap & salvage is not approved

Use (approved) / (not approved) by ADA Date 6/7/22

Commissioner of Building Inspection _____ Date _____

Exhibit “B”

The following forty-three (43) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
2. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Contact Taylor Heldman at (419) 245-1341 for inspection of above-mentioned items.

4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. Site grading in the northeast quadrant shows an existing nonconformance of stormwater surface runoff across the property line; a Special Use Permit would not be a permanent waiver of TMC 1107.1906, which requires internal drainage. The proposed filter strip may improve the nonconformance. The Ohio Rainwater Manual defines a grass filter strip for stormwater treatment as a broad, pervious area of healthy vegetation and high soil quality on a mild, uniform slope of maintained turf-forming grasses applied between the impervious surface and storm drainage conveyance infrastructure. The manual notes a filter strip or conservation area alone does not achieve water quality goals and cannot serve as a development's exclusive or primary practice to manage the water quality volume (WQV) except to treat small pockets within a development (excluding pollutant hot spots) that cannot otherwise be directed to a standard practice.
6. In the stream's riparian area, the Ohio Rainwater Manual prescribes setbacks for development rather than filter strips; therefore, it is recommended to delete the proposed filter strip where it coincides with the flood hazard zone and the riparian area. Should the

Engineering Services (cont'd)

landscaping proposal remain in this area, a Flood Hazard Zone Development Permit shall be acquired if deemed applicable by the Floodplain Administrator.

7. The basin's footprint may need changes to receive drainage area(s) directed to it by pipe or surface grading, addition of forebay(s), and basin grading for a safe, stable, and maintainable bank. Basin design shall consider the City's standard for detention to be provided above a receiving stream's 25-year elevation to the extent practicable. Additionally, internal berms may be needed to create the 2: 1 length to width ratio between inlets and the outlet. Use the latest revision of the Ohio Rainwater Manual applicable chapter(s) for design guidance.
8. Applicant's site exhibit designer is aware of SWP3 requirements and the use of a SWP3 submittal cover sheet. The City can provide additional explanation on request. A stormwater construction permit fee may apply as well.
9. Granting of a SUP with stone surface cover does not grant permission for discharge of sediment that may arise due to it. Stone surfaces like other surface treatments may require occasional maintenance to serve the intended purpose; stone surface structure strength depends on its composition and the underlying soils, is prone to impaction and migration of underlying soils, and cannot be assumed by SUP approval to be allowed to discharge sediment by storm drainage or tracking from vehicles.
10. Provide solid lids on the sanitary sewer manholes in the area.

Water Distribution

11. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
12. Plans must be submitted to Fire Prevention (rex.butler@toledo.oh.gov, 419.936.2008) for review and approval.
13. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
14. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ (800) 414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.

Water Distribution (cont'd)

15. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
16. Submit detailed site utility plans showing water feature sizes and distances:
 - a. Maintain 18" vertical clearance between proposed water main and proposed storm sewers.
 - b. Include callouts for any new taps by the City of or tees by the contractor Include waterline distances and sizes.

Sewer & Drainage Services

17. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
18. S&DS requires that the existing private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

19. Applicant should determine if the facility and associated activities are eligible for coverage under the Ohio's Industrial Storm Water permit. Facilities and activities eligible for coverage are identified in Appendix D of the Ohio Multi-Sector General Permit No.: OH000006. If applicable, your facility should apply for coverage by submitting a Notice of Intent to the Ohio EPA.
20. Applicant is strongly encouraged to install permanent oil-absorbing inlet filters to treat storm water, and minimize the amount of new and/or additional impervious surface on the site.
21. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential surface and storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
22. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

Environmental Services (cont'd)

23. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
24. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf
25. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Fire Prevention

26. All threaded connections on hydrants and FDC's are required to be Toledo threads.
27. Unobstructed access to fire hydrants shall be maintained at all times.
28. 3 feet of clear space shall be maintained around the circumference of fire hydrants at all times
29. Where hydrants are subject to impact by a motor vehicle, guard post or other approved means shall be required.

Transportation

30. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60" and no more than 72" above pavement level per TMC 1107.1704.

Plan Commission

31. The ±120' Edison easement running along the southern portion of the site shall remain free of any storage related to the scrap & salvage operation.
32. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations

Plan Commission (cont'd)

and approval of the Department of Public Utilities. **Applicant shall request a variance from the Board of Zoning Appeals for gravel.**

33. Per TMC§1107.0600 – Off-Street Parking Schedule “A”, the minimum number of parking spaces required for a scrap & salvage operation is one (1) per acre. The site is 10.8 acres. With the 20% reduction of TMC§1107.0407(E) for the bus stop adjacent to the parcel, the site requires eight (8) spaces. **Acceptable as depicted with ten (10) standard parking spaces.**
34. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van-accessible space is required. **Acceptable as depicted with one (1) van-accessible space provided.**
35. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. **Acceptable as depicted with two (2) slots.**
36. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
37. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. **If applicable.**
38. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A thirty-foot (30') frontage greenbelt is required along Lewis Avenue that includes one (1) tree per every thirty feet (30') of frontage; **Not acceptable as depicted. The site is unable to meet TMC§1108.0202, therefore the applicant shall request a waiver for this requirement.**
 - b. A Type A Landscape buffer shall be provided where Industrial Zoning Districts abut residential uses. A Type A Landscape Buffer requires four (4) trees and fifteen (15) shrubs with fencing per 100 linear feet, or four (4) trees and twenty (20) shrubs without fencing; **The site plan depicts a forty-foot (40') wide Type A Buffer with 25 trees and 131 shrubs along the northern edge of the site, which is acceptable**

Plan Commission (cont'd)

as depicted. The applicant will request a waiver of the Type A Buffer along the southern and eastern edges of the site. Due to the restrictions of the easement along the southern edge of the site, an opaque fence will be provided to the north side of the easement, extending north along the western edge of parcel #2204181, running the length of the depicted driveway. The fence shall be wood or vinyl in earth tones and will be subject to final approval from the Planning Director. This fencing will provide screening of the subject site for the mobile home park to the south, the duplexes to the east, as well as the Day Care Center, zoned CR-Regional Commercial, that abuts the site to the southeast.

- c. A Type B Landscape buffer shall be provided where Industrial Zoning Districts abut Commercial Zoning Districts. Buffer shall include four (4) trees and fifteen (15) shrubs per 100 linear feet; **Applicant shall request a waiver of this requirement. As mentioned in the above condition (b), the proposed fencing along the northern edge of the easement will be extended to provide screening for the Day Care Center, zoned CR-Regional Commercial, that abuts the site to the southeast.**
- d. In all Commercial and Industrial districts, fencing to screen from public view open storage areas shall be required as outlined in TMC§1108.0203(H). Fencing shall be at least six feet (6') in height and be shadow box, chain link with slats, or stockade. **Not acceptable as depicted. Existing chain link fencing along the northern edge of the site requires the addition of earth tone slats to screen the properties to the north. This detail will be included in a revised landscape plan.**
- e. Per TMC§1108.0204(B)(1), twenty (20) square feet of interior landscaping is required per parking space, as the site is abutting residential uses. **Not acceptable as depicted. With eleven (11) parking spaces, the site is required to have 220 square feet of interior landscaping, comprised of two (2) canopy trees and six (6) shrubs (TMC§1108.0204(C)(1)). This landscaping shall be shown on a revised landscape plan.**
- f. Perimeter parking lot landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public rights-of-way. A continuous shrub with a minimum height of eighteen inches (18") is required; **Not acceptable as depicted. This requirement pertains to the eastern edge of the site where there are abutting nonconforming duplexes; however, the narrow driveway prevents any additional landscaping in this area of the site. The applicant shall request a waiver of the five (5) required trees along the ±134' length abutting the duplexes.**

Plan Commission (cont'd)

- g. Per TMC§1108.0205, interior site landscaping is required in IG-General Industrial districts when they abut a residential use. One (1) 2-inch caliper tree is required for every 2,000 square feet of building coverage, which computes to the need for (4) trees for this site given the building's footprint ($\pm 7,344$ square feet). Additionally, landscaping is required at all major building entrances. **Not acceptable as depicted. Four (4) trees, as well as plantings along the building's main entrance, shall be shown in a revised landscape plan.**
 - h. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - i. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
 - j. The location number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained;
 - k. If the site is $\frac{1}{2}$ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
 - l. The location, height, and materials for any fencing to be installed and maintained;
 - m. The location and direction of any proposed lighting.
39. Any new signs shall meet the standards of TMC§1113, adopted April 10, 2024 via Ordinance O-166-24.
40. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code.
41. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
42. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
43. No permits shall be issued until arrangements satisfactory to the Director of the City of

Plan Commission (cont'd)

Toledo Plan Commission have been made for compliance with the conditions as set forth above.